

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PETER TARBOX and :
ANNETTE WILLIAMS, :
: Plaintiff, :
: :
v. : 3:14-CV-01346
: (JUDGE MARIANI)
BUTLER TOWNSHIP and :
OFFICER SHAWN M. BUTLER, in his :
official and individual capacities, :
: Defendant. :

ORDER

AND NOW, THIS 19TH DAY OF OCTOBER, 2015, upon consideration of
Defendants' Motion to Dismiss for Failure to State a Claim, **IT IS HEREBY ORDERED**
THAT:

1. Such Motion (Doc. 13) is **GRANTED IN PART AND DENIED IN PART**, as follows:
 - a. The Motion is **DENIED** with respect to Counts I, II, and IV.
 - b. The Motion is **GRANTED** with respect to Counts III, V, and VI. These Counts are **DISMISSED WITH LEAVE TO AMEND**.
 - c. The Motion is **GRANTED** with respect to Punitive Damages only insofar as it seeks the demand for Punitive Damages to be stricken from Plaintiffs' Municipal Liability claim. It is **DENIED** in all other respects. The leave to amend granted with respect to Count VI **DOES NOT INCLUDE** leave to

reassert a demand for Punitive Damages in an amended Municipal Liability claim.

- d. The Defendants' claim for Qualified Immunity is **CONDITIONALLY DENIED**, with leave to be reasserted at an appropriate time.
 - e. The Defendants' claim for Immunity under the Political Subdivision Tort Claims Act is **DENIED**.
2. Plaintiffs shall have **FOURTEEN (14) DAYS** from the date of this Order in which to file a Second Amended Complaint that cures the defects cited in the Court's accompanying Memorandum Opinion.



Robert D. Mariani
United States District Judge